

REMARKS

By final Office Action mailed May 18, 2007, claims 14-23 stand allowed and claims 1-13 stand rejected, reconsideration of which is respectfully requested in view of the following amendments and remarks. Claims 1 and 13 have been amended. Claims 1-23 are now pending.

Teleconference with the Examiner

Applicants thank the Examiner for the teleconference with Applicants' representative on July 19, 2007. As discussed with the Examiner during such teleconference, Applicants have amended claims 1 and 13 to specify that "the first solenoid valve is not interposed between the low-flow motive inlet and the regulator" in order to overcome the Examiner's rejection of claims 1-13 under 35 U.S.C. §103(a) based upon Saito. Support for these amendments may be found in, for example, Figure 2 and the corresponding description of such Figure beginning on page 13, line 25, of the application. As discussed with the Examiner, Figure 2 clearly shows that first solenoid valve 8H is not interposed between low-flow motive inlet 7L and regulator 9. Accordingly, no new matter has been added by way of these amendments. With regard to the Examiner's rejection based upon Saito, and as discussed with the Examiner, Applicants respectfully request that this rejection be withdrawn for the reasons set forth below.

Rejection Under 35 U.S.C. §103(a)

Claims 1-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Saito et al. (U.S. Publication No. 2002/0022171) for the reasons set forth on pages 3-5 of the Office Action. More specifically, the Examiner is of the opinion that valve 60 of multiple jet ejector 30 of Saito is capable of being operated in the manner recited in pending claims 1 and 13, namely, that valve 60 of Saito is capable of being operated such that "during operation of the fuel cell system, the first motive flow is directed to only the low-flow motive inlet when the first solenoid valve is closed and the first motive flow is directed to both the low-flow and high-flow motive inlets when the first solenoid valve is open" as recited in pending claim 1.

In view of the present amendments to claims 1 and 13, Applicants request that this rejection be withdrawn. More specifically, Applicants note that in the system of Saito, valve 60 is interposed between the hydrogen source and both motive flow inlets. To the contrary, claims 1 and 13, as amended, specify that the first solenoid valve is not interposed between the low-flow, or first, motive flow inlet and the regulator. Applicants submit that Saito does not disclose a system having such a configuration, nor has the Examiner made any assertions that Saito discloses such a system. Furthermore, Applicants note that Saito does not contain any teaching, suggestion or motivation to modify the system disclosed therein in order to produce the system recited in pending claims 1 and 13. In fact, Applicants submit that the teachings of Saito in paragraphs [0042] and [0043] to provide reactant to only one of the motive inlets at a time would actually teach away from such a modification.

Accordingly, in view of the foregoing, Applicants submit that the cited reference fails to establish a *prima facie* case of obviousness against claims 1-13, and request that this ground of rejection be withdrawn.

Allowable Subject Matter

Applicants thank the Examiner for again noting the allowability of claims 14-23. Applicants have maintained such claims unchanged in the above "Listing of Claims".

In view of the above amendments and remarks, allowance of claims 1-23 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same. Furthermore, the Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
Janusz Blaszczyk et al.
SEED Intellectual Property Law Group PLLC

/ Emily W. Wagner /
Emily W. Wagner
Registration No. 50,922

EWW:cw

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

962450_1.DOC